

CITY COUNCIL STUDY SESSION ITEM

SUBJECT

Continued discussion regarding provisions contained in the Draft Light Rail Overlay that would govern permitting for the East Link Light Rail project. Focus will be on a review of existing provisions relating to light rail in the Bel-Red corridor and on recommended treatment of the recently proposed Operations & Maintenance Satellite Facility (OMSF) in the draft Overlay.

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POLICY ISSUES

Existing provisions of the Light Rail Overlay, the City's Light Rail Best Practices Report, and Bel-Red Land Use Code provisions address many aspects of accommodating and planning around light rail through the Bel-Red corridor. Council is asked to confirm that those provisions and the Overlay as drafted adequately ensure that light rail development meets community expectations in the Bel-Red subarea. Existing and proposed provisions include:

- Light Rail Overlay provisions:
 - Incorporate the Bel-Red Land Use Code provisions (see below)
 - Incorporate the Light Rail Best Practices report (see below)
 - Establish standards for TPSS screening (previous Council direction received in December)
 - Establish design guidelines for other light rail facilities
 - Include Citizen Advisory Committee with stakeholder input on consistency with design guidelines and context sensitivity of final design (previous Council direction provided on 1/22)
- Bel-Red Land Use Code provisions (The full text of these provisions are available in the Overlay notebooks previously provided to the Council, and on-line for the public):
 - 20.25D.030.C – Design Review
 - 20.25D.110 – Landscape Development; Fences
 - 20.25D.120 – Parking Structure Performance Standards
 - 20.25D.130 – Bel-Red Development Standards
 - 20.25D.150 – Design Guidelines
- Light Rail Best Practices Report (available to the Council and public as above)

The draft Overlay under consideration by Council was designed to address the East Link project as described in the Memorandum of Understanding between the City and Sound Transit from November 2011. Since that time, Sound Transit has commenced environmental review of a second, separate project for an Operations & Maintenance Satellite Facility (OMSF), which would support Sound Transit's regional light rail network. This facility would store and maintain light rail vehicles, and could occupy up to 25 acres of land. As part of environmental review, the Sound Transit Board has identified two possible sites for this facility in Bellevue, both in the Bel-Red subarea. Tonight Council is asked to provide direction on how to modify the Overlay to address the potential for a future OMSF within the Bel-Red subarea.

DIRECTION NEEDED FROM COUNCIL

- Action
- Discussion
- Information

Council feedback is requested on the above issues related to existing Overlay provisions for light rail in Bel-Red, and on options for dealing with a potential OMSF in the future. Feedback received from Council would then be incorporated into the procedural sections of the Light Rail Overlay for consideration on February 4.

BACKGROUND/ANALYSIS

The City Council is considering an amendment to the Bellevue Land Use Code (LUC) in order to create permit processes, development standards, and design guidelines specific to light rail facilities. In depth Council consideration of a Draft Light Rail Overlay started with a public hearing held on October 22, 2012. At that time, the Council was presented with a baseline code amendment needed to enable a new overlay in the LUC that would govern permitting for the East Link Light Rail Project. The overlay code amendment was drafted to address gaps in the existing LUC provisions related to permitting and design guidelines for certain neighborhoods, and to accomplish objectives articulated in the MOU related to permit streamlining.

The Draft Light Rail Overlay prepared for Council consideration contains both procedural and substantive code provisions, and has been updated through December 3rd as conversation regarding the code amendment has progressed. Refer to Attachment A. Meetings in October 2012 introduced Council and the public to the code amendment. The November meeting focused on procedural sections of the draft code such as who may apply, how applications will be processed, and when administrative modifications can be granted. December 2012 and January 2013 meetings focused on substantive issues related to standards and guidelines necessary to mitigate impacts of light rail on areas south of Downtown, and to achieve a context sensitive outcome.

Most recently the Council met on January 22 to provide direction on the recommended community involvement process appropriate for light rail permitting. Council came to general consensus that a Citizens' Advisory Committee (CAC) role should be included in the Light Rail Overlay to provide formal input on the design and mitigation permitting process. While details of the number and background of the individual CAC members will be determined at a later

time when a committee is formally constituted, Council provided general direction that the following issues should be addressed in the Overlay:

- The CAC would receive formal presentations and information at identified steps of the permitting process to effectively provide its analysis to the decision maker within the ultimate permitting process(es) established through the Overlay; and
- The CAC would have responsibility for providing a formal written analysis of the project's consistency with the decision criteria, development standards and design guidelines of the Overlay to the permit decision maker; and,
- The scope of the CAC would include not only stations, but other components of light rail that require the design and mitigation permits through the Overlay.

When the CAC is ultimately constituted, the Council also discussed the importance of considering the following issues:

- The CAC should include a mix of professionals and stakeholders;
- A CAC could be organized by segment, or a single CAC could be created, with core members that address the entire alignment and rotating stakeholder members with more connection to individual segments;

Light Rail within Bel-Red

As outlined above, the existing Overlay incorporates the Bel-Red Land Use Code provisions, including design review objectives for the subarea. Because the Bel-Red code was drafted based on an assumption of a light rail alignment through the corridor, this subarea is somewhat unique from other areas of the City, in that existing code provisions address the integration of light rail into surrounding development. For that reason, staff recommends that the existing Overlay addresses the issue of transitioning between light rail and surrounding land uses, and issues of softening the streetscape through use of landscaping and other frontage improvements and treatments. No additional changes have been identified to deal with East Link through Bel-Red. Staff is seeking Council concurrence.

Operations and Maintenance Satellite Facility (OMSF):

Unlike the East Link rail alignment and associated stations, which were anticipated and planned for during the Bel-Red planning effort, Sound Transit's recently identified project to develop the OMSF is not addressed in existing codes. Furthermore, the OMSF was not anticipated within the MOU with Sound Transit, and the City is not obligated to address the OMSF within the package of code amendments described in the MOU.

The OMSF, as a facility supporting regional light rail, would be considered an Essential Public Facility (EPF). Under state law the City cannot preclude EPF through codes and policies; however, the City may impose reasonable mitigation and other permitting requirements. The LUC requires a conditional use permit for an EPF and compliance with Section 20.20.350. Attachment B includes the applicable conditional use permit decision criteria and text of Section 20.20.350 applicable to any proposal for an OMSF in the City under the current LUC.

On October 8, several Council members discussed their concerns about inclusion of the Maintenance Base within the scope of the Light Rail Overlay Code Amendment. The following issues were raised by Council Members at that meeting:

- Definitions contained in LUC 20.25M.020 are overly inclusive. The draft definition of “Regional Light Rail Transit Facility” provides a list of specific light rail facility elements (e.g., ventilation structures, power traction substations). However, the definition goes on to say that inclusion of additional unnamed elements is not precluded. As written to include language that says “including but not limited to,” the code could be interpreted to cover the OMSF.
- Maintenance base operations above and beyond those contemplated in the Memorandum of Understanding (MOU) have significant impacts that have not been specifically identified or studied.
- Approval of a light rail use based only on an understanding of the Regional Light Rail System’s “general location” is inadequate. Council is not able to foresee all possible implications of future projects related to East Link.

Since the October 22 meeting, Council members have reiterated the need to specifically discuss treatment of the OMSF, and January 28 was scheduled for that follow-up discussion. In the interim, the Sound Transit Board has provided direction on environmental scoping and the sites to include in the Environmental Impact Statement (EIS) being prepared by Sound Transit for the project. A draft and final EIS are anticipated later in 2013.

Staff recommends the following amendments to the Draft Light Rail Overlay to respond to Council comments raised during prior discussions as well as to maintain maximum flexibility to address the impacts of the OMSF as such impacts are identified and described through the separate EIS process:

- **Revise the Definition of Regional Light Rail Transit Facility to specifically exclude the OMSF.** This recommendation would be accomplished by amending LUC 20.25M.020.A. Under the revised language, an OMSF could not be reviewed under the streamlined permit approach available under the proposed Overlay, but rather would be subject to the conditional use permit and EPF provisions described above; and

SCHEDULE

On January 22 the Council confirmed a schedule for continued review of the Overlay with anticipated completion of review by the end of February. Upcoming meeting topics are indicated below:

Scheduled Date/Timeframe	Light Rail Code Amendment Topic
February 4	Process Provisions of the draft code amendment and wrap-up of outstanding issues; revised draft available
February 11	Public hearing on revised Light Rail Overlay
February 19/25	Anticipated final action

PUBLIC REVIEW AND INPUT

Materials available for public review are maintained on the City’s website, and include up-to-date versions of the Draft Overlay, answers to Council questions, and packet materials and

meeting presentations. A significant amount of historical information is also provided. Any written public comments received will be provided to the Council as we process the Draft Overlay. In addition, a copy of the Light Rail Overlay Land Use Code Amendment binder described in detail in the Council's November 13 packet materials remains available for public review and inspection in the City Records Center. Due to the aggressive code amendment schedule, iterative versions of draft code sections have not been prepared from week to week, but will be prepared to reflect the cumulative direction of Council and discussed at Council's February 4 meeting.

ALTERNATIVES

1. Revise the Definition of Regional Light Rail Transit Facility to specifically exclude the OMSF, and revise the Use Approval language contained in 20.25M.030.A.1 to require greater specificity regarding the facility location. These changes would address Council concerns regarding inadvertent inclusion of an OMSF in the Light Rail Overlay, and could be accomplished within the currently code amendment schedule.
2. Direct staff to specifically include an OMSF in the Light Rail Overlay, and to develop design criteria and standards for review of these facilities. This option cannot be completed prior to the public hearing that is scheduled for February 11 on the Draft Light Rail Overlay. If the Council expresses interest in pursuing this alternative, staff recommends that the Council direct staff to pursue Alternative 1 for inclusion in the Light Rail Overlay that is scheduled for adoption prior to the end of February. Council could then direct staff to pursue Alternative 2 in a future code amendment to the Light Rail Overlay when information regarding impacts and mitigation of an OMSF can be ascertained from the environmental review, and when the information is available to inform drafting of appropriate design and mitigation provisions for inclusion in the Overlay.

RECOMMENDATION

Revise the Definition of Regional Light Rail Transit Facility to specifically exclude the OMSF, and revise the Use Approval language contained in 20.25M.030.A.1 to require greater specificity regarding the facility location. These changes would address Council concerns regarding inadvertent inclusion of an OMSF in the Light Rail Overlay, and could be accomplished within the currently code amendment schedule.

ATTACHMENTS

- A. Draft Light Rail Overlay Ordinance dated December 3, 2012
- B. Excerpts from LUC regarding conditional use permit decision criteria and EPF

AVAILABLE IN COUNCIL OFFICE

Light Rail Overlay Reference Binder
Land Use Code Amendment File

New Part 20.25M – Light Rail Overlay District

20.25M.010 General

A. Applicability

This Part applies to all areas where the use, construction, or installation of a Regional Light Rail Transit Facility (RLRT Facility) or Regional Light Rail Transit System (RLRT System) is proposed, including areas disturbed temporarily during construction and identified for mitigation of permanent and temporary impacts related thereto. Refer to LUC 20.25M.020 for the definitions of RLRT Facility and RLRT System.

B. Purpose

The purpose of this Part is to:

1. Provide certainty and predictability for the City, the regional light rail transit authority, and the public with respect to Land Use Code requirements and processes;
2. Establish a comprehensive and consolidated permit process for RLRT Facilities;
3. Provide a mechanism for addressing any applicable Land Use Code requirements that are impractical or infeasible for an RLRT Facility;
4. Acknowledge the unique characteristics of a regional Essential Public Facility system that is linear in nature and passes through the City of Bellevue touching numerous land use districts and overlay areas;
5. Provide appropriate regulatory oversight for RLRT Facilities located in public rights-of-way, which would otherwise not be regulated by the Land Use Code;
6. Facilitate transparent and efficient decision making and interagency cooperation between the City of Bellevue and the regional light rail transit authority;
7. Ensure the RLRT Facilities incorporate design and mitigation measures appropriate to their impacts and represent a high-quality investment for taxpayers; and
8. Ensure that City review of an application for an RLRT Facility is informed and guided by the “Bellevue Light Rail Best Practices Final Report.”

Comment [CoB1]: Items 1-4 consistent with MOU 6.1(a), (b), (d), (e).

C. Who May Apply - Council Input Needed

Current Process: In the absence of a LUC amendment, a regional transit authority with condemnation authority such as Sound Transit, would be allow to apply for permits prior to completing the process to acquire underlying property. This is the same allowance provided to other agencies and public utilities that have condemnation authority (such as the City of Bellevue for transportation and utility projects and Puget Sound Energy).

Comment [cvh2]: Oct 8 Council Discussion: Staff to provide legal basis for allowing ST to apply for permits on property prior to condemnation.

LUCA Process Option: Council could chose to require Sound Transit to demonstrate that notification requirements under the condemnation authority have been met prior to permit submittal, or Council could chose to impose specific requirements on Sound Transit to notify underlying property owners prior to permit submittal.

A regional transit authority authorized under Chapter 81.112 RCW, as may be hereinafter amended, may apply for permits to develop an RLRT Facility, even if that authority is not the owner of the property on which the facility will be located at the time of application.

D. Applicable Land Use Code Provisions.

1. Applicable Land Use District and Overlay Sections Incorporated by Reference.

Predictability and certainty with respect to substantive Land Use Code requirements ensures that a RLRT System or Facility design is sensitive to the context of the underlying land use districts and overlays within which it is located, and that temporary and permanent impacts are appropriately mitigated. The following Overlay sections of the Land Use Code are expressly incorporated into the provisions of this Chapter 20.25M and made applicable to a RLRT System or Facility:

- a. Chapter 20.10 – Land Use Districts;
- b. Part 20.25A LUC – Downtown sections shall apply to any above-grade RLRT System or Facility as follows:
 - i. LUC 20.25A.020.A.2 (dimensional standards for building height only, including applicable foot notes);
 - ii. LUC 20.25A.020.B.4 – Height exceptions;
 - iii. LUC 20.25A.040.C – Fences;
 - iv. LUC 20.25A.060 – Walkways and sidewalks;
 - v. LUC 20.25A.100.E.6 – Downtown Core Design District Guidelines – View Preservation Corridors;
 - vi. LUC 20.25A.110.A – Site Design Criteria;
 - vii. LUC 20.25A.110.B – Downtown Patterns and Context;
 - viii. LUC 20.25A.115.A – Design Guidelines – Building/Sidewalk Relationships – General;
- c. Part 20.25B LUC – Transition Area Design District sections as follows:
 - i. LUC 20.25B.040.C – Landscaping, Open Space and Buffers;
 - ii. LUC 20.25B.040.D – Site Design Standards;
 - iii. LUC 20.25B.040.E – Mechanical Equipment;
 - iv. LUC 20.25B.050.B – Design Guidelines;
- d. Part 20.25D LUC – Bel-Red LUC sections as follows:
 - i. LUC 20.25D.010.B – Land Use Districts;

Comment [cvh3]: Identifies the substantive provisions of the land use code that apply.

Comment [CoB4]: These provisions would generally only apply to the Downtown Station if it is moved out of the tunnel for cost savings reasons

Comment [CoB5]: These provisions would be used to review the East Main Station and the TPSS at Main and 112th Ave NE as applicable to any development proposal submitted by Sound Transit

Comment [CoB6]: These provisions would apply to the stations and facilities located in the Bel-Red Corridor

- ii. LUC 20.25D.070 – Land Use Charts ;
- iii. LUC 20.25D.110.B, C, D, E, F – Various landscape standards;
- iv. LUC 20.25D.110.H – Fences;
- v. LUC 20.25D.120.D – Parking Structure Performance Standards
- vi. LUC 20.25D.130 – Bel-Red Development Standards;
- vii. LUC 20.25D.150 – Design Guidelines;
- e. Part 20.25E LUC – Shoreline Overlay District; and
- f. Part 20.25H – Critical Areas Overlay District.

2. Applicable Procedural and Administrative Sections Incorporated by Reference.

Predictability and certainty with respect to procedural Land Use Code requirements ensures effectiveness of permit review and that the level of public participation for individual RLRT Facility applications occurs consistently across all land use districts and overlay areas of the City. The following procedural and administrative sections of the Land Use Code are expressly incorporated into the provisions of this Chapter 20.25M and apply to an RLRT Facility:

- a. Part 20.30H LUC – Variance to the Shoreline Master Program
- b. Part 20.30R LUC – Shoreline Substantial Development Permit
- c. Chapter 20.35 LUC – Review and Procedures
- d. Chapter 20.40 LUC – Administration and Enforcement sections as follows:
 - i. LUC 20.40.010 through 20.40.480; and
 - ii. LUC 20.40.500 through 510.
- e. Chapter 20.50 LUC - Definitions

Comment [cvh7]: Identifies the procedural provisions of the code that apply.

Comment [CoB8]: Section 20.40.490 identifies when an assurance device is required, and has not been included in the Draft Light Rail Overlay. Under the terms of RCW 35A.21.250, cities are prohibited from requiring agencies to post a bond or other security as a condition of permit issuance.

3. Overlay Standards and Guidelines. The General Development Requirements of Chapter

20.20 LUC are either currently inapplicable to a RLRT Facility because of its location in the right-of-way, or are inconsistent with its effective or intended function. Therefore, the specific standards and guidelines contained in section 20.25M.040 through 20.25M.050 of this part supplant and replace the provisions contained in Chapter 20.20 LUC. All words used in this Overlay shall carry their customary meanings, except where specifically defined in Chapter 20.50 LUC (Definitions) or this Part 20.30M LUC (Light Rail Overlay).

Comment [cvh9]: Applicable general development standards from Chapter 20.20 LUC for Light Rail uses are identified in the Overlay so the public, Sound Transit and City staff have a clear understanding of the code requirements that must be met as design progresses to construction level of detail.

4. Light Rail Overlay District Applies. This Light Rail Overlay District specifically identifies and regulates RLRT Systems and Facilities. The specific regulations included by reference and contained in this Overlay supplant and replace the general EPF provisions contained in LUC 20.20.350.

Comment [CoB10]: Clarity Edit – to describe the relationship to existing EPF provisions. When there are specific EPF regulations, the specific regulations apply. If there are no regulations specific to an EPF use, then the general provisions of LUC 20.20.350 apply. Since the RLRT Overlay will create specific regulations, this clarify edit specifies that the general EPF provisions do not apply.

20.25M.020 Definitions Applicable to the Light Rail Overlay District

The following definitions are specific to the Light Rail Overlay District and shall have the following meanings:

- A. **“Regional Light Rail Transit Facility”** is a type of Essential Public Facility, and means a structure, rail track, equipment, or other improvement of a Regional Light Rail Transit System, including but not limited to ventilation structures, traction power substations, utilities serving the Regional Light Rail Transit System, Light Rail Transit stations and related passenger amenities, bus layover and inter-modal passenger transfer facilities, park and rides, tunnel portals, storage track and support facilities, and transit station access facilities.
- B. **“Design and Mitigation Permit”** is the single, consolidated project permit issued by the City in response to an application to develop a RLRT Facility or portion thereof; provided, that a Design and Mitigation Permit does not include a shoreline substantial development permit, shoreline conditional use permit, or shoreline variance approval if required as provided by Part 20.25E, 20.30C, and 20.30H LUC.
- C. **“Regional Light Rail Transit System”** is a type of Essential Public Facility, and means a public rail transit line that operates at grade level or above or below grade level, and that provides high-capacity, regional transit service owned or operated by a regional transit authority authorized under Chapter 81.112 RCW. A Regional Light Rail Transit System may be designed to share a street right-of-way although it may also use a separate right-of-way.

Comment [cvh11]: Oct 8 Council Discussion: Heavy maintenance base was not contemplated in the MOU project description. Now that the heavy maintenance base is under ST consideration/review, specific Council direction will be needed on whether the Overlay should be drafted to include or exclude this component.

Comment [cvh12]: Oct 8 Council Discussion: This definition may be overly broad.

20.25M.030 Required Permits

A. **Process Roadmap**

1. Use Approval – Two Process Options

- a. Use Permitted by Land Use Code. A Regional Light Rail Transit System and its Facilities are permitted uses in all land use districts, provided that the general location of the RLRT System has been approved by a Bellevue City Council-adopted resolution or ordinance, or by a development agreement authorized by Chapter 36.70B RCW and consistent with paragraph 20.30M.030.B.1 below. Refer to Chart 20.10.440 (Transportation and Utilities Uses in Land Use Districts), Chart 20.25D.070 (Transportation and Utilities Uses in Bel-Red Land Use Districts), and LUC 20.25H.055.B Note 12.
- b. Use Approval Permitted through Conditional Use. Where the City Council has not legislatively adopted a resolution, ordinance, or development agreement permitting the RLRT System and Facility use, Council Conditional

Comment [CoB13]: Council Sept 17 Direction to develop Two Process Path. Two types of Use approval available to the Council, subsequent Design and Mitigation review required.

Comment [cvh14]: Oct 8 Council Discussion: Approval based on general location may be overly broad.

Use Permit approval is required pursuant to the provisions of LUC 20.25M.030.B.2 below.

2. Subsequent Review. Additional design and mitigation review and shoreline permitting shall be required pursuant to LUC 20.25M.030.C and 20.25M.030.D below.

B. RLRT System and Facilities Use – Decision of the City Council

1. Development Agreement – RCW Legislative Process

- a. Scope of Approval. A RLRT System or Facility use is permitted outright when its general location has been included in a City Council resolution, ordinance, or development agreement authorized pursuant to Chapter 36.70B RCW. If a development agreement is adopted, the City Council may also allow necessary modifications to this Overlay District and to other applicable provisions the Bellevue City Code, and set forth other terms consistent with Chapter 36.70B RCW in order to approve the siting, construction, and operation of a RLRT System or Facility.
- b. Applicable Process. A development agreement adopted by the City Council shall be processed under the authority of and pursuant to the procedures set forth in Chapter 36.70B RCW. Any development agreement adopted by the City Council shall set forth “development standards” as that term is used in Chapter 36.70B.170(3) RCW that govern and vest the development for a specified time duration to this Overlay District and other applicable City regulations, provided that a development agreement may not extend the vesting period for longer than 15 years from the effective date.

Comment [CoB15]: Development Agreement process set forth under the Local Project Review Act of state law.

Comment [cvh16]: Taken from Exhibit G of the MOU

2. Conditional Use Permit

- a. When Required. Development of a RLRT System or Facility requires approval through a Conditional Use Permit (CUP) process when a general location has not been approved in a Council-adopted resolution, ordinance, or development agreement. Refer to Part 20.30B LUC for Conditional Use permit requirements.
- b. Scope of Approval. **Council Input Needed.**

Comment [CoB17]: Need to add modification/ amendment provisions consistent with Council input regarding process (Type I or III). Refer to Applicable Process options in 20.25M.030.B.2.d below.

Comment [CoB18]: Council Input Needed on procedural consolidation/merger question

Current Process: *In the absence of a LUCA amendment, approval of the CUP would require findings that the proposal is consistent with both the USE requirements, and any applicable DESIGN and MITIGATION requirements.*

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LUCA Process Option: Council could chose to allow the general location of the USE to be processed separately from the DESIGN and MITIGATION review, as is allowed with Master Development Plans and subsequent design review approvals.

c. **Decision Criteria.** The City **Council** may approve or approve with modifications an application for a Conditional Use Permit if:

i. The conditional use is consistent with the Comprehensive Plan including the Light Rail Best Practices Report dated June 17, 2008; and

~~**Current Process:** In the absence of a LUC amendment, Sound Transit would be required to demonstrate pursuant to this decision criterion that the expectations identified in the Light Rail Best Practices had been met. Specific Light Rail Best Practices provisions were not included in the draft Light Rail Overlay, because they already apply through this requirement to demonstrate consistency with the Comprehensive Plan. The Light Rail Best Practices, including the Expectations of Sound Transit, apply to City actions on East Link project applications through Comprehensive Plan Policy TR-75.2 and have the same effect as if they had been fully set forth in the Light Rail Overlay.~~

~~**LUCA Process Option:** Council could choose to include the Light Rail Best Practices language in the Overlay itself.~~

ii. The design is compatible with and responds to the existing or intended character, appearance, quality of development and physical characteristics of the subject property and **immediate vicinity**; and

iii. The conditional use will be served by adequate public facilities including streets, fire protection, and utilities; and

iv. The conditional use will not be materially detrimental to uses or property in the immediate vicinity of the subject property; and

v. The conditional use complies with the applicable requirements of the Land Use Code.

d. **Applicable Process.** The Conditional Use Permit shall be reviewed through Process I (LUC 20.35.100-150). **Council Input Needed**

~~**Current Process:** In absence of LUC amendment, general Essential Public Facility provisions of LUC 20.20.350 would apply and a Process I Conditional Use Permit would be required. Currently applicable Process I CUP includes a Director recommendation, a Hearing Examiner pre-decision hearing, and final decision by the Hearing Examiner. An appeal of the Hearing Examiner decision would go to the City Council.~~

Comment [cvh19]: Decision criteria are taken from the Conditional Use Permit decision criteria contained in LUC 20.30B.140.

Comment [cvh20]: Nov 16 Council Input: Council directed staff to apply Process I CUP amended to require Hearing Examiner as the final decisionmaker.

Comment [cvh21]: Oct 8 Council Discussion: More detailed format may be necessary in decision criteria. For example, there are no references to Light Rail Best Practices.

Comment [cvh22]: Nov 16 Council Input: Add reference to Light Rail Best Practices Report

Comment [cvh23]: Nov 16 Council Input: Add reference to Light Rail Best Practices Report

Comment [cvh24]: Oct 8 Council Discussion: Better understanding of this decision criteria is necessary to ensure that implementation during permit review looks at properties impacted by light rail and not just those immediately adjacent to it.

Comment [cvh25]: Nov 16 Council Input: Council directed staff to apply Process I CUP amended to require Hearing Examiner as the final decisionmaker.

Comment [cvh26]: Oct 8 Council Discussion: Council has directed staff to pursue a code simplification amendment, when staff capacity becomes available, that would remove Council from the Quasi-Judicial permit process. Additional consideration of this direction may be needed before Council input is provided. **Council Input provided on Nov 16.**

~~LUCA Process Option: Council could choose to require Conditional Use Permit review under Process III, which would include a recommendation by the Hearing Examiner and final Decision by the City Council (without requirement for an appeal). This process is the one currently used for rezones and for CUPs located within the jurisdiction of the East Bellevue Community Council.~~

Comment [cvh27]: Nov 16 Council Input: Council directed staff to apply Process I CUP amended to require Hearing Examiner as the final decisionmaker.

C. Design and Mitigation Review – Decision of the Director

1. When Required. Prior to issuance of any construction permits, Design and Mitigation Review shall be required for any RLRT System or Facility. The Design and Mitigation Review may be merged with or undertaken following use approval of a RLRT System and RLRT Facilities pursuant to 20.25M.030.B.

2. Scope of Design and Mitigation Approval. **Council Input Needed.**

Current Process: In the absence of a LUCA amendment, approval of the CUP would require findings that the proposal is consistent with both the USE requirements, and any applicable DESIGN and MITIGATION requirements.

LUCA Process Option: Council could chose to allow the general location of the USE to be processed separately from the DESIGN and MITIGATION review, as is allowed for Master Development Plans and the subsequent design review.

Comment [CoB28]: Section needs to be made consistent with Council input received on procedural consolidation/merger question in LUC 20.25M.030.B.2.b above.

3. Decision Criteria. A proposal for a RLRT System or Facility may be approved or approved with conditions provided that such proposal satisfies the following criteria:

a. The proposal is consistent with the Comprehensive Plan including the Light Rail Best Practices Report dated June 17, 2008; and

~~Current Process: In the absence of a LUC amendment, Sound Transit would be required to demonstrate pursuant to this decision criterion that the expectations identified in the Light Rail Best Practices had been met. Specific Light Rail Best Practices provisions were not included in the draft Light Rail Overlay, because they already apply through this requirement to demonstrate consistency with the Comprehensive Plan. The Light Rail Best Practices, including the Expectations of Sound Transit, apply to City actions on East Link project applications through Comprehensive Plan Policy TR-75.2 and have the same effect as if they had been fully set forth in the Light Rail Overlay.~~

~~LUCA Process Option: Council could choose to include the Light Rail Best Practices language in the Overlay itself.~~

Comment [CoB29]: Need to add modification/ amendment provisions consistent with Council input regarding process (Type I or III). Refer to Applicable Process options in 20.25M.030.B.2.d above.

Comment [cvh30]: Based on the decision criteria required for Design Review approval (refer to LUC 20.30F.145).

Comment [cvh31]: Oct 8 Council Discussion: More detailed format may be necessary in area of decision criteria. For example, there are no references to Noise Control Code.

Comment [cvh32]: Nov 16 Council Input: Add reference to Light Rail Best Practices Report

b. The proposal complies with the applicable requirements of this Light Rail Overlay District; and

Comment [cvh33]: Nov 16 Council Input: Add reference to Light Rail Best Practices Report

- c. The proposal addresses all applicable design guidelines of this Light Rail Overlay District in a manner which fulfills their purpose and intent; and
- d. The proposal is compatible with and responds to the existing or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity; and
- e. The proposal will be served by adequate public facilities including streets, fire protection, and utilities; and
- f. The proposal is consistent with any Development agreement or Council conditional use permit approved pursuant to LUC 20.25M.030.B.
- g. When the proposed RLRT Facility will occur in whole or in part in a critical area regulated by Part 20.25H LUC, such facility shall also satisfy the following criteria:
 - i. The proposal utilizes to the maximum extent possible the best available construction, design and development techniques which result in the least impact on the critical area and critical area buffer; and
 - ii. The proposal incorporates the performance standards of Part 20.25H LUC to the maximum extent applicable; and
 - iii. The proposal includes a mitigation or restoration plan consistent with the requirements of LUC 20.25H.210; except that a proposal to modify or remove vegetation pursuant to an approved Vegetation Management Plan under LUC 20.25H.055.C.3.i shall not require a mitigation or restoration plan.
- 4. Applicable Process. The Design and Mitigation Permit shall be reviewed through Process II (LUC 20.35.200-250).

Comment [cvh34]: Based on the Decision Criteria used for a Critical Areas Land Use Permit approval (refer to LUC 20.30P.140).

D. Shoreline Substantial Development Permit and Variance

- 1. Any RLRT Facility proposed or located in the Shoreline Overlay District (Part 20.25E LUC) shall comply with the Shoreline Substantial Development Permit (SSDP) requirements of LUC 20.25E.040. Application for a SSDP shall be processed independently of any application for Design and Mitigation approval under this chapter. Application for a SSDP shall be subject to the decision criteria of LUC 20.30R.155.
- 2. For properties lying within the Shoreline Overlay District, the City may approve a request to exceed the allowable height limit established by LUC 20.25E.080.B.5 through the Variance to the Shoreline Master Program process allowed pursuant to Part 20.30H

Comment [cvh35]: Oct 8 Council Discussion: Shoreline approval in Draft Code relies on Shoreline Substantial Development Permit. Consideration should be given to the pros and cons of selecting the Substantial Development Permit process versus the Shoreline CUP process.

LUC. Application for a shoreline variance shall be subject to the decision criteria of LUC 20.30H.155.

20.25M.040 RLRT System and Facilities Development Standards

Comment [CoB36]: Gap Fillers – includes issues not clearly addressed by the code

A. Dimensional Requirements

Comment [cvh37]: Applicable general development standards for Light Rail uses are identified in this section of the Overlay so the public, Sound Transit and City staff have a clear understanding of the code requirements that must be met as design progresses to construction level of detail.

1. Height Limitations. Council Input Needed

Current Substantive Standard. *In the absence of a LUC Amendment:*

- *Maximum Height Limits of LUC 20.20.010 would apply based on the underlying land use district*
- *Code Conflict identified for South Bellevue Park and Ride Structure (described in the MOU as 1400 stalls on up to 5 floors) and Hospital Station (elevation needed to meet alignment height after crossing I-405), which would both exceed height limits for underlying land use districts.*
- *General EPF Standards allow for height increases at the permitting stage if applicant demonstrates that:*
 - *The requested increase is the minimum necessary for the effective functioning of the EPF; and*
 - *Visual and aesthetic impacts associated with the EPF have been mitigated to the greatest extent feasible.*
- *Timing uncertainty created. Significant uncertainty and cost would be incurred to design and engineer the South Bellevue Park and Ride and Hospital Station without having a final determination as to whether the height increase will be granted until late in the plan development timeframe.*

LUCA Conflict Resolution Option. *Cost savings and certainty would be provided by accommodating the required facility heights for the South Bellevue Park and Ride and Hospital Station as part of this Land Use Code Amendment.*

2. Setbacks. Council Input Needed

Current Substantive Standard. *In the absence of a LUC Amendment:*

- *Minimum Setbacks on LUC 20.20.010 would apply based on LU District, but application of setbacks to elements of the facility either leads to ambiguity, or to potentially significant requirements for additional property acquisition, especially where elements are proposed for areas outside of existing public right of way.*
- *Cost Savings Conflict identified for Traction Power Substation Elements of the RLRT Facility, which would require land acquisition in excess of that necessary to provide required landscape screening of these unmanned facilities.*

LUCA Conflict Resolution Option. *Minimum setbacks could be established for certain specified components of the System (e.g., Traction Power Substations), with setbacks set to the appropriate dimension to accommodate required landscape screening.*

B. Landscape Development

1. Traction Power Substations (TPSS) shall be screened with 10 feet of Type III landscaping pursuant to the requirements of LUC 20.20.520.G.3.
2. Park and Ride (public parking lot serving a primary use) and Storage Track and Support Facilities.
 - a. Except as set forth in subsection b, these facilities shall be landscaped pursuant to the requirements of LUC 20.20.520.F.2 and F.3. Provisions contained in LUC 20.20.520.F.5 through 8, 20.20.520.G, and 20.20.520.I through K shall also apply.
 - b. When located within an Overlay District identified in LUC 20.25M.010.D, these facilities shall comply with the design and landscape requirements incorporated by reference in LUC 20.25M.010.D.
3. Alternative landscaping may be approved by the Director for TPSS, park and ride, and storage track and support facilities if the requirements of LUC 20.20.520.J are met. The landscape development requirement for TPSS facilities may be reduced or eliminated by the Director when topography and/or existing vegetation provide adequate site screening to meet the intent of these standards.

Comment [CoB38]: Landscape screening requirements do not apply to linear track portions of Light Rail. The intent of this section is to treat linear portions like city streets, with specific frontage planting requirements contained in the Land Use Code and Transportation Design Manual

C. Fencing

Fencing shall be required to meet the applicable requirements of LUC 20.20.400 when Overlay standards and/or design guidelines have not been incorporated by reference in LUC 20.25M.010.D.

Comment [CoB39]: Based on LUC 20.20.400

D. Light and Glare

1. To protect adjoining uses and vehicular traffic in the right-of-way, the following provisions shall apply to the generation of light and glare from RLRT Facilities:
 - a. All exterior lighting fixtures in parking areas and driveways shall utilize cutoff shields or other appropriate measures to conceal the light source from adjoining uses and rights-of-way. Other lights shall be designed to avoid spillover glare beyond the site boundaries.
 - b. Interior lighting in parking garages shall utilize appropriate shielding to prevent spillover upon adjacent uses and the right-of-way.

Comment [CoB40]: Based on LUC 20.20.522

E. Mechanical Equipment

Mechanical equipment shall be required to meet the applicable requirements of LUC 20.20.525 when Overlay standards and/or design guidelines have not been incorporated by reference in LUC 20.25M.010.D.

Comment [CoB41]: Based on LUC 20.20.525

F. Parking and Circulation

Comment [CoB42]: Clarity Edit consistent with implementation of parking provisions contained in LUC 20.20.590 and applicable overlays.

1. Minimum/Maximum Parking Requirements. RLRT Facilities do not generate parking demand that requires the provision of accessory parking. The provisions of 20.20.590 shall not apply.
2. Employee Vehicle Parking. Parking spaces shall be provided as necessary to accommodate vehicles of security and operational personnel who service a RLRT Facility.
3. Parking and Circulation Improvements and Design. RLRT facilities that provide parking for the public shall meet the requirements of LUC 20.20.590.K.

G. Recycling and Solid Waste Collection

1. Solid waste and recyclable material collection areas shall be provided for workers maintaining and operating an RLRT Facility consistent with the terms of LUC 20.20.725.
2. Solid waste and recyclable material collection receptacles shall also be provided for the public who access the station and park and ride facilities of a RLRT System.

Comment [CoB43]: Based on LUC 20.20.725

Comment [CoB44]: Gap filler – issue not currently address by the code

Comment [cvh45]: Oct 8 Council Discussion: Organic recycling may be a desirable option to add to pedestrian facilities.

Comment [CoB46]: Operationalizes objective articulated in Exhibit G of the MOU

Comment [cvh47]: Oct 8 Council Discussion: Council alignment decisions were given deference by removing requirement to demonstrate no technically feasible alternative when Council had approved an alignment by resolution or ordinance.

H. Critical Areas

A regional transit authority is not required to demonstrate that no technically feasible alignment or location alternative with less impact exists for any RLRT Facility, provided that the location of the RLRT System and its Facilities has been generally approved by the Bellevue City Council pursuant to an adopted resolution or ordinance, or by a development agreement authorized by Chapter 36.70B RCW and consistent with LUC 20.25M.030.B.1

20.25M.050 Design Guidelines

A4. Additional Design Guidelines for Light Rail Stations. In all land use districts, the following design guidelines shall apply to light rail stations: - **Council Input Needed**
Current Process: In the absence of a LUC amendment, Sound Transit would be expected to collaborate with the City to undertake station area design and planning that engages the community about specific issues for each station once the sites are selected. Refer to Light Rail Best Practices Expectations of Sound Transit, page 23 made applicable to East Link through Comprehensive Plan Policy TR-75.2. As is done with every major planning process, staff would check-in with Council and propose an outreach and engagement plan for each individual station design effort to seek concurrence on the proposed approach. Specific code language was not included in the draft Light Rail Overlay regarding the process for station design, so that the City can remain flexible and station design efforts can be tailored to the context and unique characteristics of individual stations.

Comment [cvh48]: Oct 8 Council Discussion: Design “guidelines” are a flexible tool for achieving a range of varied and imaginative design solutions. More specificity may be desired in the Light Rail Overlay through use of more directive regulations that mandate a specific outcome by using the word “shall” rather than “should.”

Comment [cvh49]: Gap Fillers –includes issues not currently addressed by the code.

LUCA Process Option: Council could choose to require Sound Transit to demonstrate that design collaboration had occurred prior to permit submittal like is required when PSE proposes a new electrical utility facility. Refer to LUC 20.20.255. In the alternative, Council could chose to impose specific design collaboration or process requirements on Sound Transit through the Light Rail Overlay to engage the community and neighbors in station design. One example of a specific process approach would be to use the City Council Design Review Process that is used for Downtown Pedestrian Bridges. Refer to LUC 20.25A.130.

- 1a.** The station should use context sensitive design to integrate the station into the community. This includes, but is not limited to the following:
- a.i.** The design should incorporate superior urban design, complementary materials, and public art;
 - b.ii.** The design should provide substantial landscaping at stations, where appropriate, including retained significant trees and transplanted trees that are, at a minimum, saplings.
 - c.iii.** Context sensitive design considerations shall include building materials and texture, building scale relative to nearby structures, and relationship to streets and adjacent uses.

Comment [mb50]: Based on CP Policy TR-75.12

- 2b.** The station design should provide, create, or promote:
- a.i.** Access and linkages to the surrounding community;
 - b.ii.** Weather protection, including rain, wind, and sun protection, with overhead weather protection covering not less than 30% of the platform area;
 - c.iii.** A place that works for both large and small numbers of people; and
 - d.iv.** Design that encourages social interaction among people.

Comment [mb51]: Based on CP Policy TR-75.15

- 3e.** The station design should use available technology to deter crime. Examples include:
- a.i.** Visibility of station platform from adjacent streets and parking;
 - b.ii.** Open and well-lighted pedestrian connections to parking and adjacent community;
 - c.iii.** Video surveillance on station platforms and trains; and
 - d.iv.** Establishing and enforcing a fare-paid zone for station platforms.

Comment [mb52]: Based on CP Policy TR-75.23

- 4e.** Station design should facilitate transfers between different modes of transportation with an emphasis on safety for people transferring between the station platform and the various modes. This should include, where appropriate, well-lighted and secure storage sufficient to accommodate a range of modes (e.g., bicycles and other small motorized and non-motorized vehicles).

Comment [mb53]: Based on CP Policy TR-75.28

- B.2.** Additional Design Guidelines for Other RLRT Facilities. In all land use districts, the following design guidelines shall apply to traction power substations, signal bungalows, ventilation structures, signs, tunnel portals, retaining walls, and acoustical barriers.

1a. The facilities identified in this section, when located above grade, shall use context sensitive design to integrate the facility into the community. This includes, but is not limited to, the following:

ai. Incorporating superior urban design, complementary materials, and public art;

bii. Providing substantial landscaping along the alignment, where appropriate, including retained significant trees and transplanted trees; and

ciii. Incorporating durable materials in design and construction to ensure that the facility retains its appearance, functionality, and community value.

Comment [mb54]: Based on CP Policy TR-75.22

2b. Traction power substations shall be sited, screened, and/or incorporate architectural materials and treatments to minimize visual and operational impacts to surrounding uses.

3e. Ventilation structures shall incorporate context sensitive design that shall incorporate appropriate building materials and texture, building scale relative to nearby structures, and relationship to streets and adjacent uses.

4d. Signs shall comply with the Bellevue Sign Code (Chapter 22B.10 BCC); provided, that departures from the specific requirements of Chapter 22B.10 BCC may be allowed if approved by the Director as part of a master signage plan for an RLRT System.

5e. Retaining walls and acoustical barriers shall, as appropriate, be screened by landscaping, textured, or incorporate artwork where appropriate.

6f. Signal bungalows shall provide innovative façade treatments, e.g. artistic anti-graffiti laminate wraps, as approved by the director.

20.25M.060. Administrative Modification Process

Comment [CoB55]: Operationalizes objective articulated in Paragraph 6.1 of the MOU

Due to the unique nature of a Regional Light Rail Transit System and its Facilities, strict application of LUC provisions will not always be practical or feasible. This is particularly true due to the Growth Management Act requirements relative to essential public facilities and the acquisition policies and requirements utilized by a regional transit authority, which favor the acquisition of the minimum amount of property necessary for the development of its facilities. Therefore, in applying the provisions of this Chapter or any other applicable development standard in the Land Use Code (Title 20) to a RLRT Facility or System, the City, including the Director, shall be authorized to modify or waive the application of such provisions, provided that:

- A. The modification or waiver is the minimum reasonably necessary in accordance with “Bellevue Light Rail Best Practices Report” to make construction or operation of the RLRT Facility or RLRT System practicable and feasible; or
- B. The modification or waiver is reasonably necessary to implement or ensure consistency with other related actions approved by the City Council with respect to the RLRT Facility or RLRT System including Development Agreement modifications, cost saving alternatives, or Street Design Standards amendments.

Conformance Amendments to Land Use Code needed outside the Overlay

Chart 20.10.440 Uses in land use districts

20.10.440 – Transportation and Utilities Use Chart

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Transportation and Utilities – Residential Districts										
		R-1	R-1.8	R-2.5	R-3.5	R-4	R-5	R-7.5*	R-10	R-15	R-20	R-30
4	Transportation, Communications and Utilities											
41	Rail Transportation: Right-of-Way, Yards, Terminals, Maintenance Shops	C	C	C	C	C	C	C	C	C	C	C
42 4291	Motor Vehicle Transportation: Bus Terminals, Taxi Headquarters											
4214 422	Motor Vehicle Transportation: Maintenance Garages and Motor Freight Services (23)											
43	Aircraft Transportation: Airports, Fields, Terminals, Heliports, Storage and Maintenance	C 11	C 11	C 11	C 11	C 11	C 11	C 11	C 11	C 11	C 11	C 11
	Accessory Parking (6) (24)	P 3	P 3	P 3	P 3	P 3	P 3	P 3	P 3	P 3	P 3	P 3
46	Auto Parking: Commercial Lots and Garages (24)											
	Park and Ride (5) (24)	C	C	C	C	C	C	C	C	C	C	C

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475	Radio and Television Broadcasting Studios											
485	Solid Waste Disposal (19)											
	Highway and Street Right-of-Way (24)	P	P	P	P	P	P	P	P	P	P	P
	Utility Facility	C	C	C	C	C	C	C	C	C	C	C
	Local Utility System	P	P	P	P	P	P	P	P	P	P	P
	Regional Utility System	C	C	C	C	C	C	C	C	C	C	C
	On-Site Hazardous Waste Treatment and Storage Facility (7)											
	Off-Site Hazardous Waste Treatment and Storage Facility (8)											
	Essential Public Facility (20)	C	C	C	C	C	C	C	C	C	C	C
	Regional Light Rail Transit Systems and Facilities (25)	C/P										
	Wireless Communication Facility (WCF): (without WCF Support Structures)	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21
	Communication, Broadcast and Relay Towers Including WCF Support Structures (Freestanding)	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16

STD

Transportation and Utilities – Residential Districts

LAND USE CODE REF	LAND USE CLASSIFICATION	R-1	R-1.8	R-2.5	R-3.5	R-4	R-5	R-7.5*	R-10	R-15	R-20	R-30
	Satellite Dishes (18)	P	P	P	P	P	P	P	P	P	P	P
	Electrical Utility Facility (22)	A/C 22										

Chart 20.10.440

Uses in land use districts

Transportation and Utilities – Nonresidential Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Professional Office	Office	Office/Limited Business	Light Industry	General Commercial	Neighborhood Business	Community Business	Factoria Land Use District 1	Factoria Land Use District 2	Factoria Land Use District 3
		PO	O	OLB	LI	GC	NB	CB	F1	F2	F3
4	Transportation, Communications and Utilities										
41	Rail Transportation: Right-of-Way, Yards, Terminals, Maintenance Shops	C	C	C	C	C	C	C	C	C	C
42 4291	Motor Vehicle Transportation: Bus Terminals, Taxi Headquarters				P	P		P	P		
4214 422	Motor Vehicle Transportation: Maintenance Garages and Motor Freight Services (23)				P	C					
43	Aircraft Transportation: Airports, Fields, Terminals, Heliports, Storage	C 11	C 12	C 12	C 12	C 12	C 11	C 12	C 12	C 12	C 12

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	and Maintenance										
	Accessory Parking (6)(24)	P	P	P	P	P	P	P	P	P	P
46	Auto Parking: Commercial Lots and Garages (24)			C	C	C		C	C	C	C
	Park and Ride (5) (24)	C	C	C	C	C	C	C	C	C	C
475	Radio and Television Broadcasting Studios	P	P	P	P 10	P 10		P	P	P	P
485	Solid Waste Disposal (19)				C						
	Highway and Street Right-of-Way (24)	P	P	P	P	P	P	P	P	P	P
	Utility Facility	C	C	C	C	C	C	C	C	C	C
	Local Utility System	P	P	P	P	P	P	P	P	P	P
	Regional Utility System	C	C	C	C	C	C	C	C	C	C
	On-Site Hazardous Waste Treatment and Storage Facility (7)			A	A	A	A	A	A	A	A
	Off-Site Hazardous Waste Treatment and Storage Facility (8)				C						
	Essential Public Facility (20)	C	C	C	C	C	C	C	C	C	C

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	Regional Light Rail Transit Systems and Facilities (25)	C/P									
	Wireless Communication Facility (WCF): (without WCF Support Structures)	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21
	Communication, Broadcast and Relay Towers Including WCF Support Structures (Freestanding)	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16

Transportation and Utilities – Nonresidential Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Professional Office	Office	Office/Limited Business	Light Industry	General Commercial	Neighborhood Business	Community Business	Factoria Land Use District 1	Factoria Land Use District 2	Factoria Land Use District 3	STD LAND USE CODE REF
		PO	O	OLB	LI	GC	NB	CB	F1	F2	F3	
	Satellite Dishes (18)	P	P	P	P	P	P	P	P	P	P	
	Electrical Utility Facility (22)	A/C 22	A/C 22	A/C 22	A/C 22	A/C 22	A/C 22	A/C 22	A/C 22	A/C 22	A/C 22	

Chart 20.10.440

Uses in land use districts

Transportation and Utilities – Downtown Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
4	Transportation, Communications and Utilities						
41	Rail Transportation: Right-of-Way, Yards, Terminals, Maintenance Shops						
42 4291	Motor Vehicle Transportation: Bus Terminals, Taxi Headquarters	A	A	A			A
4214 422	Motor Vehicle Transportation: Maintenance Garages and Motor Freight Services (23)	S	S	S			S
43	Aircraft Transportation: Airports, Fields, Terminals, Heliports, Storage and Maintenance	A 11	A 11	A 12			A 11
	Accessory Parking (6) (24)	P 4	P 4	P 4	P 4	P 4	P 4
46	Auto Parking: Commercial Lots and Garages (24)	P 13	P 13	P 13	A	P 13	P 13
	Park and Ride (5) (24)			A			A
475	Radio and Television Broadcasting Studios	P	P	P		P	P
485	Solid Waste Disposal (19)						
	Highway and Street Right-of-Way (24)	P	P	P	P	P	P
	Utility Facility	C	C	C	C	C	C

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	Local Utility System	P	P	P	P	P	P
	Regional Utility System	C	C	C	C	C	C
	On-Site Hazardous Waste Treatment and Storage Facility (7)	A	A	A	A	A	A
	Off-Site Hazardous Waste Treatment and Storage Facility (8)						
	Essential Public Facility (20)	C	C	C	C	C	C
	Regional Light Rail Transit Systems and Facilities (25)	C/P					
	Wireless Communication Facility (WCF): (without WCF Support Structures)	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21
	Communication, Broadcast and Relay Towers Including WCF Support Structures (Freestanding)	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16

Transportation and Utilities – Downtown Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
	Satellite Dishes (18)	P	P	P	P	P	P
	Electrical Utility Facility (22)	A/C 22	A/C 22	A/C 22	A/C 22	A/C 22	A/C 22

Add Footnote (25) to “Essential Public Facility” land use classification

[\(25\) Refer to LUC Part 20.25M, Light Rail Overlay District, for specific requirements applicable to EPF defined as a Regional Light Rail Transit Facility or Regional Light Rail Transit System pursuant to 20.25M.020. A conditional use permit is not required when the City Council has approved a Regional Light Rail Transit Facility or Regional Light Rail Transit System by resolution](#)

or ordinance, or by a development agreement authorized by Chapter 36.70B RCW and consistent with LUC 20.30M.030.B.1.

20.20.010 – Notes: Uses in land use district - Dimensional Requirements

Note 17 [Placeholder – Code Language To Be Drafted]

Amend note 17 to require minimum setback from property owned by a regional transit authority for the purpose of operating an RLRT Facility.

Comment [cvh56]: Oct 8 Council Discussion:
Further evaluation regarding effect of nonconforming status and/or acquisition costs may be necessary.

Part 20.25A Downtown

Right-of-Way Special Dedications. [Placeholder – Code Language To Be Drafted]

Amend LUC 20.25A.020.D to allow property owners to make special dedications to Sound Transit and retain FAR as is currently allowed for uncompensated dedications for right of way.

Part 20.25D – Bel-Red

Chart 20.25D.070

Transportation and Utilities Uses in Bel-Red Land Use Districts.¹

STD LAND USE CODE LAND USE REF CLASSIFICATION		Transportation and Utilities – Bel-Red Districts						
		Bel-Red Medical Office/Node	Bel-Red Office Residential/Nodes	Bel-Red Residential Commercial Nodes	Bel-Red Residential	Bel-Red General Commercial	Bel-Red Commercial Residential	Bel-Red Office Residential Transition
		BR-MO/ MO-1	BR-OR/ OR-1 OR-2	BR- RC-1 RC-2 RC-3	BR-R	BR-GC	BR-CR	BR-ORT
4	Transportation, Communications and Utilities							
41	Rail	C/C	C/C	C	C	C	C	C

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	Transportation: Right-of-Way, Yards, Terminals, Maintenance Shops							
42 4291	Motor Vehicle Transportation: Bus Terminals, Taxi Headquarters					C		
4214 422	Motor Vehicle Transportation: Maintenance Garages and Motor Freight Services (15)	C/	C/			C		
43	Aircraft Transportation: Airports, Fields, Terminals, Heliports, Storage and Maintenance	C 1	C 1					
	Accessory Parking (2,3,16)	P/P	P/P	P	P 4	P	P	P
46	Auto Parking Commercial Lots and Garages (5, 16)	/P	/P	P				
	Park and Ride (6, 16)		C/C	C				
475	Radio and Television Broadcasting Studios							
485	Solid Waste Disposal (7)							
	Highway and Street Right-of-	P	P/P	P	P	P	P	P

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Way (8, 16)								
Utility Facility	C	C/C	C	C	C	C	C	C
Local Utility System	P	P/P	P	P	P	P	P	P
Regional Utility System	C	C/C	C	C	C	C	C	C
On- and Off-Site Hazardous Waste Treatment and Storage Facilities								
Essential Public Facility (9)	C	C/C	C	C	C	C	C	C
Regional Light Rail Transit Systems and Facilities (17)	C/P							
Wireless Communication Facility (WCF): (without WCF Support Structures)	10, 11, and 12							
Communication, Broadcast and Relay Towers Including WCF Support Structures (Freestanding)	10, 11	10, 11	10, 11	10, 11	10, 11	10, 11	10, 11	10, 11
Satellite Dishes (13)	P	P/P	P	P	P	P	P	P
Electrical Utility Facility (14)	A C/A C	A C/A C	A C	A C	A C	A C	A C	A C

....

Add Footnote (17) to “Essential Public Facility” land use classification

(17) Refer to LUC Part 20.25M, Light Rail Overlay District, for specific requirements applicable to EPF defined as a Regional Light Rail Transit Facility or Regional Light Rail Transit System pursuant to 20.25M.020. A conditional use permit is not required when the City Council has approved a Regional Light Rail Transit Facility or Regional Light Rail Transit System by resolution or ordinance, or by a development agreement authorized by Chapter 36.70B RCW and consistent with LUC 20.30M.030.B.1.

Part 20.25D – Bel-Red

Right-of-Way Special Dedications. [[Placeholder – Code Language To Be Drafted]]

Amend to LUC 20.25D.080.D.2 to allow property owners to make special dedications to Sound Transit and retain FAR as is currently allowed for uncompensated dedications for right of way.

Part 20.25H – Critical Areas Overlay District

20.25H.055.B Uses and Development Allowed within Critical Areas

The following chart lists uses and development that may be allowed in a critical area, critical area buffer, or critical area structure setback. The sections noted in the chart for each use or activity and critical area refer to the applicable performance standards that must be met.

		Type of Critical Area				
		Streams	Wetlands	Shorelines	Geologic Hazard Areas ⁷	Areas of Special Flood Hazard
Allowed Use or Development	Repair and maintenance of parks and parks facilities, including trails ^{1, 2}	20.25H.055.C.1 20.25H.080.A	20.25H.055.C.1 20.25H.100	20.25H.055.C.1 20.25E.080.B 20.25E.080.P	20.25H.055.C.1 20.25H.125	20.25H.055.C.1 20.25H.180.C 20.25H.180.D.2
	Repair and maintenance of utility facilities, utility systems,	20.25H.055.C.1 20.25H.080.A	20.25H.055.C.1 20.25H.100	20.25H.055.C.1 20.25E.080.B 20.25E.080.U	20.25H.055.C.1 20.25H.125	20.25H.055.C.1 20.25H.180.C

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stormwater facilities and essential public facilities ^{1,2}						
Repair and maintenance of public rights-of-way, private roads, access easements, surface parking areas, and driveways ^{1,2}	20.25H.055.C.1 20.25H.080.A	20.25H.055.C.1 20.25H.100	20.25H.055.C.1 20.25E.080.B 20.25E.080.H 20.25E.080.R	20.25H.055.C.1 20.25H.125	20.25H.055.C.1 20.25H.180.C	
Repair and maintenance of bridges and culverts ^{1,2}	20.25H.055.C.1 20.25H.080.A	20.25H.055.C.1 20.25H.100	20.25H.055.C.1 20.25E.080.B 20.25E.080.R	20.25H.055.C.1 20.25H.125	20.25H.055.C.1 20.25H.180.C	
Construction staging ^{1,2,11}	20.25H.055.C.1 20.25H.080.A	20.25H.055.C.1 20.25H.100	20.25H.055.C.1 20.25E.080.B 20.25E.080.H	20.25H.055.C.1 20.25H.125	20.25H.055.C.1 20.25H.180.C	
Existing agricultural activities ²	20.25H.055.C.1 20.25H.055.C.3.a 20.25H.080.A	20.25H.055.C.1 20.25H.055.C.3.a 20.25H.100	20.25H.055.C.1 20.25H.055.C.3.a 20.25E.080.B 20.25E.080.C	20.25H.055.C.1 20.25H.055.C.3.a 20.25H.125	20.25H.055.C.1 20.25H.055.C.3.a 20.25H.180.C	
Emergency actions	20.25H.055.C.3.b	20.25H.055.C.3.b	20.25H.055.C.3.b	20.25H.055.C.3.b	20.25H.055.C.3.b	
New or expanded utility facilities, utility systems, stormwater facilities ³	20.25H.055.C.2 20.25H.080.A 20.25H.080.B	20.25H.055.C.2 20.25H.100	20.25H.055.C.2 20.25E.080.B 20.25E.080.U	20.25H.055.C.2 20.25H.125	20.25H.055.C.2 20.25H.180.C	

REVISED DRAFT LIGHT RAIL OVERLAY – DECEMBER 3, 2012 |

	New or expanded essential public facilities (12)	20.25H.055.C.2 20.25H.080.A 20.25H.080.B	20.25H.055.C.2 20.25H.100	20.25H.055.C.2 20.25E.080.B	20.25H.055.C.2 20.25H.125	20.25H.055.C.2 20.25H.180.C 20.25H.180.D.3
Allowed Use or Development	Public flood protection measures ⁴	20.25H.055.C.2 20.25H.055.C.3.c 20.25H.080.A 20.25H.080.B	20.25H.055.C.2 20.25H.055.C.3.c 20.25H.100	20.25H.055.C.2 20.25H.055.C.3.c 20.25E.080.B	20.25H.055.C.2 20.25H.055.C.3.c 20.25H.125	20.25H.055.C.2 20.25H.055.C.3.c 20.25H.180.C 20.25H.180.D.5
	Instream structures ⁵	20.25H.055.C.2 20.25H.055.C.3.d 20.25H.080.A 20.25H.080.B	20.25H.055.C.2 20.25H.055.C.3.d 20.25H.100	20.25H.055.C.2 20.25H.055.C.3.d 20.25E.080.B	20.25H.055.C.2 20.25H.055.C.3.d	20.25H.055.C.2 20.25H.055.C.3.d 20.25H.180.C
	New or expanded public rights-of-way, private roads, access easements and driveways	20.25H.055.C.2 20.25H.080.A 20.25H.080.B	20.25H.055.C.2 20.25H.100	20.25H.055.C.2 20.25E.080.B 20.25E.080.R	20.25H.055.C.2 20.25H.125	20.25H.055.C.2 20.25H.180.C 20.25H.180.D.4
	New or expanded bridges and culverts	20.25H.055.C.2 20.25H.055.C.3.e 20.25H.080.A	20.25H.055.C.2 20.25H.055.C.3.e 20.25H.100	20.25H.055.C.2 20.25H.055.C.3.e 20.25E.080.B 20.25E.080.R	20.25H.055.C.2 20.25H.055.C.3.e 20.25H.125	20.25H.055.C.2 20.25H.055.C.3.e 20.25H.180.C
	New or expanded private nonmotorized trails	20.25H.055.C.2 20.25H.055.C.3.f 20.25H.080.A	20.25H.055.C.2 20.25H.055.C.3.f 20.25H.100	20.25H.055.C.2 20.25H.055.C.3.f 20.25E.080.B 20.25E.080.G	20.25H.055.C.2 20.25H.055.C.3.f 20.25H.125	20.25H.055.C.2 20.25H.055.C.3.f 20.25H.180.C
	New or expanded City and public parks	20.25H.055.C.3.g 20.25H.080.A	20.25H.055.C.3.g 20.25H.100	20.25H.055.C.3.g 20.25E.080.B 20.25E.080.P	20.25H.055.C.3.g 20.25H.125	20.25H.055.C.3.g 20.25H.180.C 20.25H.180.D.2
	Existing landscape maintenance ²	20.25H.055.C.3.h 20.25H.080.A	20.25H.055.C.3.h 20.25H.100	20.25H.055.C.3.h 20.25E.080.B 20.25E.080.G	20.25H.055.C.3.h 20.25H.125	20.25H.055.C.3.h 20.25H.180.C

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Vegetation management ⁶	20.25H.055.C.3.i 20.25H.080.A	20.25H.055.C.3.i 20.25H.100	20.25H.055.C.3.i 20.25E.080.B 20.25E.080.G	20.25H.055.C.3.i 20.25H.125	20.25H.055.C.3.i 20.25H.180.C
Habitat improvement projects	20.25H.055.C.3.j 20.25H.080.A	20.25H.055.C.3.j 20.25H.100	20.25H.055.C.3.j 20.25E.080.B 20.25E.080.G	20.25H.055.C.3.j 20.25H.125	20.25H.055.C.3.j 20.25H.180.C
Forest practices	20.25H.055.C.3.k 20.25H.080.A	20.25H.055.C.3.k 20.25H.100	20.25H.055.C.3.k 20.25E.080.B	20.25H.055.C.3.k 20.25H.125	20.25H.055.C.3.k 20.25H.180.C
Aquaculture	20.25H.055.C.3.l 20.25H.080.A	20.25H.055.C.3.l 20.25H.100	20.25H.055.C.3.l 20.25E.080.B 20.25E.080.D	20.25H.055.C.3.l	20.25H.055.C.3.l 20.25H.180.C
Stabilization measures	20.25H.055.C.3.m 20.25H.080.A	20.25H.055.C.3.m 20.25H.100	20.25E.080.B 20.25E.080.E	20.25H.055.C.3.m 20.25H.125	20.25H.055.C.3.m 20.25H.180.C
Expansion of existing single-family primary structures	20.25H.055.C.3.n 20.25H.080.A	20.25H.055.C.3.n 20.25H.100	20.25H.055.C.3.n 20.25E.080.B 20.25E.080.Q	20.25H.055.C.3.n 20.25H.125	20.25H.055.C.3.n 20.25H.180.C ⁹ 20.25H.180.D.1 20.25H.180.D.7
Reasonable use exception ⁹	20.25H.080.A	20.25H.100	20.25E.080.B	20.25H.125	20.25H.180.C 20.25H.180.D.7
Recreational vehicle storage ¹⁰					20.25H.180.C 20.25H.180.D.6
Additional shoreline-specific uses or development					

Add Footnote (12) to “Essential Public Facility” land use classification

(12) Refer to LUC Part 20.25M, Light Rail Overlay District, for specific requirements applicable to EPF defined as a Regional Light Rail Transit Facility or Regional Light Rail Transit System pursuant to 20.25M.020. A conditional use permit is not required when the City Council has approved a Regional Light Rail Transit Facility or Regional Light Rail Transit System by resolution or ordinance, or by a development agreement authorized by Chapter 36.70B RCW and consistent with LUC 20.30M.030.B.1.

Chapter 20.35 – Review and Appeal Procedures

20.35.015 – Framework for decisions [Placeholder – Code Language To Be Drafted]

Amend to add Design and Mitigation Permit under Process II.

20.35.020 – Pre-Application Conferences [Placeholder – Code Language To Be Drafted]

Amend to add Design and Mitigation Permit to list of applications that required a pre-application conference

20.35.030 – Applications [Placeholder – Code Language To Be Drafted]

Amend to add public agencies with condemnation authority to the list of parties who may apply for a permit.

Chapter 20.40 – Administration and Enforcement

20.40.500 Vesting [Placeholder – Code Language To Be Drafted]

Amend to acknowledge extended vesting allowed in Downtown, or pursuant to a Master Development Plan approval or Development Agreement.

20.50 - Definitions

20.50.036

Nonconforming. A use, structure, site, or lot which conformed to the applicable codes in effect on the date of creation but which no longer complies because of changes in Code requirements, ~~or annexation, or property acquisition for public rights-of-way or Regional Light Rail Transit Facility or Regional Light Rail Transit System as defined in LUC 20.25M.020.~~

Nonconforming Site. A lot which does not conform to site development regulations, including but not limited to, the landscaping, parking, fence, driveway, street opening, pedestrian amenity, screening, and curb cut regulations of the district in which it is located due to changes in Code requirements, condemnation, ~~or annexation, or property acquisition for public rights-of-way or a Regional Light Rail Transit Facility or Regional Light Rail Transit System as defined in LUC 20.25M.020.~~

Nonconforming Structure. A structure which does not conform to the dimensional regulations, including but not limited to, setback, height, lot coverage, density, and building configuration

regulations of the district in which it is located due to changes in Code requirements, or annexation, or property acquisition for public rights-of-way or a Regional Light Rail Transit Facility or Regional Light Rail Transit System as defined in LUC 20.25M.020. For structures not conforming to Building Code requirements, see ~~UBC Section 104~~ [BCC 23.05.080 \(Duties and Powers of the Building Official\)](#).

Comment [cvh57]: Cross reference update not specifically related to Light Rail.

Attachment B
Code Excerpts – Applicable to OMSF as an Essential Public Facility

CONDITIONAL USE PERMIT DECISION CRITERIA

20.30B.140 Decision criteria.  [SHARE](#)

The City may approve or approve with modifications an application for a Conditional Use Permit if:

- A. The conditional use is consistent with the Comprehensive Plan; and
- B. The design is compatible with and responds to the existing or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity; and
- C. The conditional use will be served by adequate public facilities including streets, fire protection, and utilities; and
- D. The conditional use will not be materially detrimental to uses or property in the immediate vicinity of the subject property; and
- E. The conditional use complies with the applicable requirements of this Code.

LAND USE CODE SECTION FOR EPF

20.20.350 Essential public facility (EPF).  [SHARE](#)

A. Applicability.

This section applies to each essential public facility (EPF) within the City except where a specific use is otherwise identified and regulated in the use charts in LUC 20.10.440 and Chapter 20.25 LUC. The requirements of this section shall be imposed at the establishment of any such EPF use, and upon any addition or modification to any such EPF use or structure housing that use.

Any EPF specifically identified and regulated in the use charts in LUC 20.10.440 and Chapter 20.25 LUC shall be subject to the permitting procedures and requirements for that use, and shall not be subject to this section.

B. Additional Submittal Requirements.

In addition to the application materials required for any permit required to construct or modify the EPF, the applicant shall submit the following material:

1. Information demonstrating compliance with any existing multi-jurisdictional siting criteria in selecting the proposed location for the EPF; and
2. Information regarding all alternative sites considered for the proposed EPF, including information about why such alternative sites were not selected.

C. Decision Criteria.

In addition to the decision criteria applicable to any permit required to construct or modify the EPF, the City may approve, or approve with modifications, a proposal to construct or modify an EPF if:

1. The location and design are consistent with any planning document under which the proposing agency, special district or organization operates, as determined by the person or body having authority to interpret such document;
2. The location, design, use and operation of the EPF complies with any applicable guidelines, rules, regulations or statutes adopted by state law, or any agency or jurisdiction with authority;
3. A building which houses all or a majority of an EPF must be compatible with the architectural form of surrounding buildings. This requirement is not applicable to an EPF where significant elements of the facility are not housed in a building or to isolated minor elements such as utility meters;
4. An EPF may be permitted in a Neighborhood Business or Residential Land Use District (R-1 through R-30), only if there is an operational or other need that requires locating in that district to achieve the purpose or function of the EPF;
5. The City may approve a request to exceed the height limit for the underlying land use district if the applicant demonstrates that:
 - a. The requested increase is the minimum necessary for the effective functioning of the EPF; and
 - b. Visual and aesthetic impacts associated with the EPF have been mitigated to the greatest extent technically feasible;
6. If the City determines that the EPF is potentially dangerous to human life, appropriate protective measures may be required.

D. Conditions.

The City may impose conditions on the location, design, use or operation of the EPF within the scope of the City's authority in order to mitigate identified environmental, public safety or other impacts of the EPF.